

REMARKS

The Non-Final Office Action of November 28, 2007 has been carefully reviewed and the following amendments and remarks are made in response thereto. Claims 1-13 remain pending in the application. Claims 14-65 were previously withdrawn from consideration. Claims 1-13 stand rejected. Through this Response and Amendment, claims 1, 2, 6, and 11 have been amended. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Information Disclosure Statement

The Office Action indicates that the Information Disclosure Statement submitted February 20, 2006 fails to comply with 37 C.F.R. §1.98(a)(2). Specifically, the Action alleges that Applicants did not submit a copy of the International Search Report for PCT/US2005/009375 dated February 6, 2006. Applicants have reviewed the filing, and respectfully note that a copy of said ISR was in fact submitted with the Information Disclosure Statement filed on February 20, 2006. Upon inspection of PAIR, it seems that the ISR was inadvertently attached to reference DE 100 55 989 and labeled as a Non-Patent Literature Document (NPL), totaling 18 pages. Applicants, therefore, respectfully ask that the Examiner consider the art, as the International Search Report is in the public record. If the Examiner requests, however, that another copy be submitted, Applicants will promptly file another copy with the Office.

Claim Objections

Claim 6 is objected to due to formalities. Specifically, the Examiner objects to the term “feral.” Applicants thank the Examiner for noticing this inadvertent typographical error and have amended claim 6 to recite “ferrule” instead of “feral.” In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the objection.

Claim Rejections – 35 USC § 102

Claims 1, 5, and 10-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Storek (US 2004/0259651). The Applicants respectfully request reconsideration in view of the Remarks below.

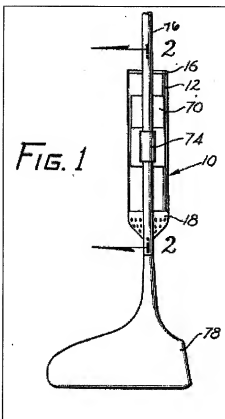
Through this Amendment and Response, claims 1 and 11 have been amended to more clearly indicate that the “first accelerometer module [is] *removably* mounted *in* a head of the golf club.” (emphasis added). As explained in the Application as filed:

Head 208 may also include a removable accelerometer module 212. Accelerometer module 212 may include a three-axis accelerometer for head measuring acceleration along three orthogonal axes. Embodiments that include a removable accelerometer module, as opposed to embodiments that include a module embedded into head 208, provide certain advantages. For example, a single removable accelerometer module may be used for several different clubs and allows a golfer to upgrade or replace the accelerometer module without replacing the entire club.

(Specification, para. 28, lines 3-10, emphasis added). Indeed, providing a removable accelerometer *in* the head of the golf club has several advantages that are not disclosed, taught, or even suggested by the prior art of record, such as not interfering with the aerodynamics of the club during the swing being measured, protecting against the environmental elements or damage every time a user places the club into a golf bag, and/or allowing a user to utilize another head/shaft combination without requiring the movement and alignment of the accelerometer each time. In fact, as further indicated by the Specification:

In one embodiment of the invention, all of the sensors are located *within* golf club 200 so as to not interfere with the aerodynamics of the club. Golf club 200 may also be configured so that the weights of the included components do not change the balance or center of gravity of the club. Golf club 200 may be a wood, iron, putter or specialty club.

(Specification, para. 30, lines 1-5, emphasis added). Thus, having an accelerometer within the club head is highly desirable and is drastically different than the art of record.



Specifically, the Office Action cites element 10 of Figure 1 of Petrash as showing a detachable accelerometer. As shown in Figure 1 of Petrash (reproduced to the left), Petrash's accelerometer is not *in* the head of the club. Rather, as recognized by the Office Action it is attached by *a clip* to the shaft of the golf club, thus suffering the disadvantages discussed above.

Further, there is no teaching, suggestion, or disclosure on how one skilled in the art could modify the clip holding the accelerometer to the outer perimeter of the shaft of Petrash to the head of the golf club of any other prior art reference. In fact, merely utilizing a clip is drastically different than removably placing an accelerometer *in* the head of the club, as evidenced by the many advantages discussed above, among others.

In view of the foregoing, Applicants respectfully submit that the subject matter of claim 1 (from which claims 5 and 10 depend) and claim 11 is not taught, disclosed, or otherwise suggested by the art of record. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection in regards to claims 1, 5, 10, and 11.

Claim Rejections – 35 USC § 103

Claims 1, 5, and 10-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Storek (US 2004/0259651). The Applicants respectfully request reconsideration in view of the Remarks below.

As discussed above, Applicants respectfully submit that the subject matter of claim 1 (from which claims 5 and 10 depend) and claim 11 is not taught, disclosed, or otherwise suggested by the art of record. Applicants, therefore, request reconsideration and withdrawal of the rejection in regards to claims 1, 5, 10, and 11.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Storek (US 2004/0259651) as applied to claim 1, and further in view of Petrash (US 3,226,704). The Applicants respectfully request reconsideration in view of the Remarks below.

Applicants have amended claim 2 to more clearly indicate that “the weight of the first accelerometer and the second accelerometer do not change the balance or center of gravity of the club.” (Support can be found at least paragraph 30, lines 1-5 of the Specification). Claim 2 depends from claim 1, which recites that the “first accelerometer module [is] removably mounted in a head of the golf club.” (Amendment to claim 1 emphasized). Thus, claim 2 recites a golf club having an accelerometer removably mounted in the club head, where the weight of the accelerometer does not change the balance or center of gravity of the club. This is not taught, disclosed, or even suggested by the art of record. Specifically, as discussed above, Petrash does not even disclose an accelerometer connected to a golf club head, never mind located in a head.

Moreover, Applicants respectfully submit that there is no teaching, suggestion, or disclosure on how to modify the clip holding the accelerometer to the shaft of Petrash to the head of the golf club of any other prior art reference. Rather, utilizing a clip would result in a drastically different club than the club recited in the claim which has an accelerometer in the head of the club, as evidenced by the many advantages discussed above. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection in regards to claim 2.

Claims 7-8 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Storek (US 2004/0259651) as applied to claims 1 and 11, and further in view of Gedney et al. (US 5,209,483). The Applicants respectfully request reconsideration in view of the Remarks below.

Claims 7-8 ultimately depend from claim 1 and claim 12 depends from claim 11. Applicants respectfully submit that the art of record does not teach, disclose, or suggest the subject matter of claims 1 and 11, and, therefore, submit that claims 7-8 and 12 are allowable over the art of record for at least the reasons discussed above in relation to claims 1 and 11. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 9 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Storek (US 2004/0259651) and Gedney et al. (US 5,209,483) as applied to claims 7 and 12, and further in view of McTeigue (US 5,221,088). The Applicants respectfully request reconsideration in view of the Remarks below.

Claim 9 ultimately depends from claim 1 and claim 13 ultimately depends from claim 11. Applicants respectfully submit that the art of record does not teach, disclose, or suggest the subject matter of claims 1 and 11, and, therefore, submit that claims 9 and 13 are allowable over the art of record for at least the reasons discussed above in relation to claims 1 and 11. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Storek (US 2004/0259651) as applied to claim 1, and further in view of Evans (US 3,792,863) and Lagerblade (US 1,444,842). The Applicants respectfully request reconsideration in view of the Remarks below.

Specifically in regards to claim 6, the Office Action alleges that:

Storek in view of Evans significantly discloses the claimed invention as discussed above but fails to teach a ferrule that connects the head of the golf club to the shaft of the golf club. Nevertheless such modification is notoriously well known in the art. A ferrule is commonly used to connects the head of the golf club to the shaft of the golf club in order to secure the head of the golf club to the shaft of the golf club. Furthermore, the ferrule prevents the shaft from splitting. This is supported by Lagerblade (lines 102-108). Therefore it would have been obvious to modify Storek in view of Evans instrumented golf club, and incorporate Lagerblade's ferrule in order to prevent the shaft from splitting.

(Office Action dated November 28, 2007, page 9). Applicants respectfully disagree that the art of record discloses the claimed subject matter. In fact, as characterized by the cited passage above, Lagerblade merely shows a ferrule that may be used to prevent a shaft from splitting.

Applicants do not dispute that Lagerblade discloses a ferrule for a golf club. Claim 6, however, does not merely recite a golf club having a ferrule. Rather, claim 6 recites “*an antenna that comprises a ferrule* that connects the head of the golf club to the shaft of the golf club.” (emphasis added). Neither Lagerblade nor any other art of record, however, actually teaches, discloses, or otherwise suggests an antenna that comprises a ferrule connecting the head of the club with the shaft. For example, in an embodiment that incorporates the antenna within the ferrule, a different head/shaft combination may be used without requiring rewiring or attachment of an antenna within a new shaft. Applicants respectfully submit that the subject matter recited in dependent claim 6 is drastically different that utilizing only the shaft as an antenna as disclosed in the art of record.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection in respect to claim 6.

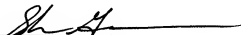
CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: May 27, 2008

By: _____


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